

Independent claim 15 is amended to recite an effect upon contact with a cockroach foot such that the cockroach slips. Review of the written description in preparing this Response suggested that the phrase "behavior modifying effect" may have been utilized in a narrow sense therein to refer to pheromones and the like. The intended "behavior modifying effect" of the electromagnetically sensitive particles upon contact with a cockroach foot was to include a stability effect, such that the cockroach slips.

(We note with satisfaction in the Office Action that the Examiner has to date apparently taken such a broad interpretation of the meaning of "behavior modifying effect." The Examiner has interpreted the phrase to include an effect upon walking. Nonetheless, the amendment clarifies the matter.)

Claim 1 has also been amended to recite a method of trapping as opposed to a method of trapping and/or killing. This amendment enables the claim read consistently with the further limitation "such that the insect slips into or onto a trap proximate the composition."

Claim 31 is new.

REMARKS

Reconsideration and further examination is respectfully requested.

Inventorship

It is applicant's position, based upon the facts re-reviewed below, that the owner and/or owner's agents of US patent application 09/736,023 should, and will, correct inventorship of this US national stage application to include inventors Mr. Colin T. Metcalfe and Mr. David J. Lax. (An oath/declaration should be submitted to Mr. Metcalfe and Mr. Lax, as well as copies of the application and prosecution history.) The instant applicant, in fact, prepared the requisite paperwork, submitted it to attorneys for Howse and Ashby and offered to take care of the filing. The response therefrom was a promise to keep US application 09/736,023 "pending" until resolution of all appeals in the UK.

As discussed below, it is the instant applicants who are appealing the High Court holding. The instant applicants appeal the holding that Howse and Ashby should be regarded as limited "joint inventors." It is on record that Howse and Ashby no longer assert sole inventorship. Of particular relevance, note that Mr. Justice Laddie points out in paragraph 11: "Before me, the defendants, [Howse and Ashby] restrict themselves to seeking finding of joint inventorship only."